

THE WHITE HOUSE  
WASHINGTON

March 5, 1998

VIA HAND DELIVERY

Lawrence Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, D.C. 20463

Re: MUR 4407 and 4544

Dear Mr. Noble:

I am writing in response to the Federal Election Commission's (the Commission) subpoena issued to the Executive Office of the President (EOP), and, to the extent it seeks White House materials, to Erskine Bowles pursuant to MURs 4407 and 4544. We received these subpoenas on February 26, 1998. I understand from Joel Roessner that a similar subpoena has been issued to the President; as we have not yet received it, we will await its receipt prior to responding. We are submitting this letter pursuant to 11 C.F.R. § 111.15.

The Commission's subpoena is overly broad. It would be unduly burdensome and time consuming for the EOP to conduct the exhaustive search of its files required by the subpoena. Moreover, as the EOP is merely a witness, there does not appear to be any allegations or evidence implicating the EOP in the activity upon which these MURs are based. Accordingly, there is no basis for a subpoena that requires the EOP to respond to such a broad and burdensome request.

As the Commission likely is aware, Clinton/Gore '96 and the Democratic National Committee are the entities most likely to have the information and documentation the Commission appears to be seeking. Given the breadth and burdensomeness of the subpoena, it is imperative that the Commission gather and evaluate information from those entities before imposing upon the EOP the type of burden involved with the subpoena in question. The Commission then could limit its requests for information or documents to the EOP to specific questions, if any remain. In light of the disruption they cause, we urge the Commission to issue subpoenas to the EOP only when it has tried and failed to obtain the information it seeks from the political entities or to instances in which the Commission has specific questions pertaining to the EOP after reviewing information provided by the political entities.

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cc: Joel Roessner